

§ 430.63

the supporting test data associated with tests performed on any test units to satisfy the requirements of this subpart. The records shall be retained by the manufacturer (private labeler) for a period of two years from the date that production of the applicable model has ceased.

(e) *Third party representation.* A manufacturer or private labeler may elect to use a third party to submit the certification report to DOE (for example a trade association or other authorized representative). Such certification reports shall include all the information specified in paragraph (a)(4) of this section. Third parties submitting certification reports shall include the names of the manufacturers or private labelers who authorized the submittal of the certification reports to DOE on their behalf. The third party representative also may submit discontinued model information on behalf of an authorizing manufacturer.

[63 FR 13319, Mar. 18, 1998, as amended at 68 FR 51903, Aug. 29, 2003; 72 FR 59934, Oct. 22, 2007; 74 FR 13335, Mar. 27, 2009; 74 FR 31841, July 6, 2009; 75 FR 666, Jan. 5, 2010; 75 FR 27185, May 14, 2010]

§ 430.63 Sampling.

(a) For purposes of a certification of compliance, the determination that a basic model complies with the applicable energy performance standard or water performance standard (in the case of faucets, showerheads, water closets, and urinals) shall be based upon the sampling procedures set forth in § 430.24 of this part. For purposes of a certification of compliance, the determination that a basic model complies with the applicable design standard shall be based upon the incorporation of specific design requirements for clothes dryers, dishwashers, clothes washers and kitchen ranges and ovens specified in section 325 of the Act.

(b) A basic model which meets the following requirements may qualify as an “other than tested model” for purposes of the certification testing and sampling requirements:

(1) Central air conditioners: The condenser-evaporator coil combinations manufactured by the condensing unit manufacturer other than the combination likely to have the largest volume

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of retail sales or the condenser-coil combinations manufactured in part by a component manufacturer using the same condensing unit.

(2) For purposes of certification of “other than tested models,” as defined in paragraph (b)(1) of this section, a manufacturer may certify the basic model on the basis of computer simulation or engineering analysis as set forth in § 430.23(m) of this part.

[54 FR 6081, Feb. 7, 1989, as amended at 63 FR 13321, Mar. 18, 1998]

§ 430.64 Imported products.

(a) Pursuant to section 331 of the Act, any person importing any covered product into the United States shall comply with the provisions of the Act and of this part, and is subject to the remedies of this part.

(b) Any covered product offered for importation in violation of the Act and of this part shall be refused admission into the customs territory of the United States under rules issued by the Secretary of the Treasury, except that the Secretary of the Treasury may, by such rules, authorize the importation of such covered product upon such terms and conditions (including the furnishing of a bond) as may appear to the Secretary of Treasury appropriate to ensure that such covered product will not violate the Act and this part, or will be exported or abandoned to the United States.

§ 430.65 Exported products.

Pursuant to section 330 of the Act, this part shall not apply to any covered product if (a) such covered product is manufactured, sold, or held for sale for export from the United States (or such product was imported for export), unless such product is, in fact, distributed in commerce for use in the United States, and (b) such covered product, when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such covered product is intended for export.

§ 430.70 Enforcement.

(a) *Performance standard*—(1) *Test notice.* Upon receiving information in writing concerning the energy performance or water performance (in the case